

City of Belmont

Community Development Department

Frequently Asked Questions

for

*Single-family Residential
Properties*



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FREQUENTLY ASKED QUESTIONS: RESIDENTIAL

1) What determines how large my house can be and what it can look like?

Development Criteria and Design Review are both factors that contribute to how large your home can be and what it will ultimately look like.

Development Criteria

The size of your home, including any detached structures, is regulated by floor area ratio, as well as by minimum building setbacks, and maximum building height. Additional parking may also be needed. These requirements (development criteria), when applied to the size, shape and slope of your existing lot, will determine the maximum size and configuration of a home on your property.

Design Review

Design Review by the Planning Commission is required for all new homes, substantial grading, major encroachments into the public right-of-way, and additions to existing homes of 400 sq. ft. or greater. Grading is considered substantial when it results in 500 cubic yards or more of cut and fill, 6,000 sq. ft. or more of disturbed area, or removal or endangerment of a protected tree. Factors that the Planning Commission looks at when considering a Design Review application include neighborhood compatibility, architectural design, floor area, building bulk, exterior and roof materials, grading, drainage, landscaping, parking, site layout, and public view obstructions. Additions that do not trigger Design Review are reviewed by Public Works, Fire, Planning and Building Divisions staff, for consistency with established development criteria, and applicable building codes. The City is in the process of preparing design guidelines for residential development. In the future, all residential development meeting specified thresholds would be reviewed for consistency with these guidelines.

2) How can I obtain the development criteria for my property?

Your development criteria are based upon the Zoning of your property, and are located within the City's Zoning Ordinance. This information can be obtained at the City's Permit Center, or on the City's website at <http://www.belmont.gov>. You may visit the Permit Center between 2:00 PM and 4:00 PM, weekdays, or call the center at (650) 595-7422, to obtain this information.

3) What is a floor area ratio?

"Floor Area Ratio" (FAR) is the total "gross" floor area (square feet) of all parts and all levels of all structures, divided by the net lot area. See gross floor area definition below.

4) What does “gross” floor area include?

The sum of all finished and un-finished framed-in floor surfaces with an interior vertical height of six and one-half feet or more from floor to ceiling, which is capable of accommodating living space. Gross floor area is measured from the outside of the exterior walls. Gross floor area includes garages, utility rooms, and enclosed accessory structures with an interior vertical height of six and one-half feet or more from floor to ceiling. Covered decks, porches, patios, carports, and other covered areas which are not enclosed on all sides are not counted as dwelling floor area. Unfinished floor area existing as of August 23, 2001 can not be made habitable such that the total habitable floor area exceeds the maximum floor area allowed in the zone, unless a Floor Area Exception is approved.

5) How do I find out what size my lot is?

An approximate lot area may be obtained from your official deed for the property or from the San Mateo County Tax Assessor Office in Redwood City. Permit Center staff could also provide you with a plat map from which your lot area can be calculated. A survey is the most accurate method of determining lot area.

6) What is a building setback?

A “building setback” is a line parallel to a property line which limits how close to the edge of the property a structure can be built. All setbacks are measured inward from all property boundaries. Certain building projections, such as porches, caves, bay windows, and fireplaces, may be allowed to encroach to a certain degree into required setbacks (see the Permit Center staff for a complete list).

7) In order to comply with building setbacks, how do I determine where my property lines are?

A property line is invisible. A street curb or sidewalk edge are usually not the true location of a residential property line. Measuring half the distance of the known right-of-way width of a street from the centerline of that street towards your house can provide the approximate position of your front property line, provided the street is centered within its right-of-way. A so-called “property line fence” is usually very close to the true location of a side or rear property line. You can call the Public Works Department at (650) 595-7476 to find out the right-of-way width of your street. However, the best way to accurately determine property lines is to hire a licensed surveyor to locate existing benchmark points and measure the boundaries of your property based upon the legal description contained in the official deed.

8) I live on a corner lot. How do I know which is my front lot line and which is my side lot line?

The front lot line is the boundary line which abuts a public street, the front lot line on a corner lot is the narrowest frontage facing a street, and the longest frontage facing a street is the side, irrespective of the direction in which the dwelling faces. The rear lot line is the lot line most nearly parallel to and most remote from the front property line. All other lot lines are side lot lines. An interior lot line is a side line in common with another lot.

9) How do I determine the slope on my lot?

The City uses different slope calculations for developed and undeveloped lots.

Developed Lots - Percent of Slope (Rise/Run)

The percent of slope of developed land is the ratio of the vertical change in grade elevation to the horizontal distance over which that change occurs (expressed as a percentage).

$$PS = SE - FE / HD * 100$$

PS = Percent Slope

SE = Start Elevation in feet

FE = Finish Elevation in feet

HD = Horizontal Distance between SE and FE in feet

For the purpose of this calculation, the longest line within the lot boundaries which lies perpendicular to ground contours must be used. In order to calculate the slope, you will need a topographic map of your property. Permit Center staff may be able to provide a topographic map of your property, which can be used for rough calculations of your lot's slope. A calculation of slope based upon these maps may be accepted as part of the submittal, at the City staff's discretion. However, because these maps are based upon aerial photographs, the City can not guarantee their accuracy. As such, the City requires that a topographic survey be used for calculations of slope when the proposed project would result in an FAR within 400 sq. ft. of the maximum FAR for the site. Note: on steeper project sites, those with slopes in excess of 18%, it is always advisable to hire a licensed surveyor to calculate slope.

Undeveloped Lots (Average Slope)

The average slope of a vacant lot is calculated by using the following formula:

$$AS = \frac{100 IL}{A}$$

A = Net area of a lot in square feet.

AS = Average percent of slope.

I = Contour interval in feet.

L = Summation of existing contour length in feet.

A topographic survey is required to calculate the average slope of a vacant property. The average slope must be calculated by a surveyor or engineer.

10) I have been told that my project will require Design Review. What does that mean? What do I need to do? How long does it take?

This means that a public hearing will be scheduled for the project, before the Belmont Planning Commission. The Commission will consider the project design, and decide whether the required findings for approval can be made. All neighboring property owners within 300 feet will be notified by mail and may make public comment on the design of the new house or the addition.

In addition to the required plans and application forms, the design review submittal must also include a "neighborhood outreach strategy" for contacting your neighbors and informing them of the project prior to the Planning Commission public hearing. Most projects requiring design review have been approved as originally submitted, with some cases requiring minor modifications. Many times, the project is improved as a result of the Design Review.

The Planning Commission meets twice a month, on the first and third Tuesdays, at 7:00 PM in the City Council Chambers at City Hall. The meeting on a project generally occurs two or three months after the date that a complete project application is submitted. Especially complicated or controversial projects may take somewhat longer. For further information, please contact the Permit Center at (650) 595-7416.

11) What happens after the Planning Commission approves my project?

If the approval is on a matter for which the Planning Commission is authorized to take the final action, you will receive a letter for your signature indicating you accept all the conditions of project approval. You are then authorized to apply for a Building Permit.

12) How do I appeal a decision I don't agree with?

All final decisions of the Planning Commission may be appealed to the City Council and must be submitted in writing to the City Clerk within 10 calendar days. All actions of the City Council are final, but you may have other options available to you through the court system.

13) Can the City recommend a good architect for my project?

The City does not endorse the services of any particular person or firm, but strongly recommends that you hire a California licensed architect for any building design project, especially one that requires Planning Commission approval. Architects are listed within the yellow pages and on the American Institute of Architects website at WWW.<http://architectfinder.aia.org/searchresults.cfm>.

14) What is a Floor Area Exception?

A Floor Area Exception is a deviation from the Zoning Ordinance regulation for maximum floor area. The purpose of a Floor Area Exceptions is to prevent or lessen inconsistencies in floor area ratio standards among neighboring properties. Floor Area Exceptions are reviewed on a case-by case basis and are not approved unless all of the required findings can be made. Floor Area Exceptions are reviewed and approved by

either the Community Development Director or the Planning Commission, depending on the size and scope of the project.

15) What is a Variance? Can I apply for one?

A “Variance” is a deviation from a Zoning Ordinance development standard such as minimum setbacks or maximum height. Belmont Planning Commission approval is required for all Variances. Approval requires the existence of a hardship based upon a unique physical characteristic of the site which prevents full compliance. The hardship cannot be economic or self-imposed, and the amount of deviation allowed will be what is warranted by the hardship. A Variance cannot be obtained to allow a land use not already allowed within a particular zoning district. Certain legal findings, as required under state law, are needed for approval of a Variance.

16) How high of a fence or retaining wall can I have?

Fences, walls or lattice-work screens having a height of not more than six feet above any portion of the adjoining ground level are permitted in all residential districts. However, fences, walls lattice-work screens or any hedges in any front setback area and within 40 feet of a street intersection are not permitted to exceed three and one-half feet in height.

17) I live in a Planned Development (PD) District. What does this mean? What do I need to do to construct an addition on my home within this district?

A Planned Development District is a zoning district assigned to a particular project application and so it is site-specific. It includes a Conceptual Development Plan (i.e., permitted land uses, locations of buildings, and roads, etc.), and a Detailed Development Plan (building elevations, setbacks, lot coverage, off-street parking, FAR, etc.). Additions to homes within a PD District require an amendment to the DDP, and in some instances a Design Review Permit. The amendment to the DDP is accomplished through the submittal of a Conditional Use Permit (CUP) application. Conditional Use Permit applications for modifications to a DDP are reviewed and approved by either the Community Development Director or the Planning Commission, depending on the size and scope of the project. Please contact the Permit Center for more information and specific submittal requirements.

18) What are the parking standards in a single family residential area? How many spaces do I need to provide? Do they need to be a certain size or in a certain location?

All new homes require a two-car garage with a minimum interior clearance of 20' x 20', plus two uncovered spaces within the driveway apron with a minimum width of seventeen (17) feet and a minimum length of eighteen (18) feet. The uncovered spaces need to be on the same property as the home (not within the public right-of-way), which requires a minimum 18-foot front setback to the front wall of the garage for driveways that run perpendicular to the street. In addition to the above standards the following should be noted:

- The minimum driveway width is twelve (12) feet.
- All parking areas including the garage need to be located on the same site as home.

- No additional parking (beyond what is required), or paving for parking is permitted, outside of driveway.
- No new circular driveways are permitted, but a Zone Text Amendment to allow circular driveways is currently being studied by city staff.
- No parking (outside of driveway) between the front of the home and the front property line is permitted.

19) I would like to build an addition on my home. Do I need to upgrade my parking to current standards?

The requirements for parking upgrades depend upon a number of factors. The current standards require a two-car garage with a minimum interior clearance of 20' x 20'. However, for homes constructed prior to April 2005, a garage with of a minimum interior clearance of 17' x 18' is considered legal non-conforming. Parking upgrades are required when any of the following is proposed:

- An addition of 600 gross sq. ft. or more
- A floor area modification to a home that is currently 3,000 sq ft. or larger
- A floor area modification that results in a home becoming 3,000 sq. ft., or larger
- A floor area modification to a home that has four or more bedrooms
- A floor area modification that results in an increase in the number of bedrooms from three or fewer to four or more
- The addition of two or more bedrooms to a home, regardless of whether any existing bedrooms are being eliminated

It should be noted that the City's definition of a bedroom is quite broad, so as to include rooms of a home that might easily be converted to a bedroom. The current definition is as follows:

BEDROOM –

“Any room at least seventy square feet or more in area in a residential structure which is not a kitchen, dining room, living room, or bathroom. Within such residential structure, any second living room or dining room, or any den, study, or other similar room which is capable of being used for sleeping quarters that contains a closet, or to which a closet could be added, shall also be considered a bedroom.”

20) I have trees on my property that I would like to cut down. Do I need some type of permit? Under what circumstance may I remove trees? What if I need to cut them down to add on to my home?

If the tree is a “protected tree,” then yes, you need a permit. The Belmont Tree Ordinance requires a permit to remove or excessively prune protected trees. Excessive pruning means removal of more than one-third (1/3) of the crown or foliage of the tree or more than one-third (1/3) of the root system. Protected trees include oaks, bays, buckeyes, Monterey cypress, redwoods, giant sequoia, and madrones with at least one trunk of ten inches or greater (DBH, or diameter at 4 ½ feet above grade), a stand of any type trees, regardless of size, that are dependent on one another for survival, and other species of trees with a trunk of eighteen inches DBH (Eucalyptus Globulus, Acacia, and Monterey Pine excepted). If the tree is not a protected tree, then you do not need a

permit to remove the tree from developed residential property. However, tree removal fees may still apply. Please see the fee table below.

<u>Tree Size (DBH)</u>	<u>Protected Trees</u>	<u>All Other Species</u>
24" or greater	\$4,000	\$2,000
18" but less than 24"	\$3,000	\$1,000
10" but less than 18"	\$2,000	\$750
6" but less than 10"	\$1,000	\$500
Less than 6"	No Fee	No fee

The Department of Parks and Recreation's Tree Board reviews tree removal applications when a tree is proposed for removal because it is creating an imminent danger to persons and/or real property, or when tree removal is not associated with any planning permit entitlements. Please call the Parks and Recreation Department for further information at (650) 595-7441. The Planning Commission reviews tree removal applications when reviewing applications for other development entitlements (i.e., Design Reviews, Variances, etc). The Board and Commission consider a number of factors, including the condition of the tree, safety hazards posed, interference with utility services, topography, number of trees that can be adequately supported on the site, and the necessity to remove or prune the tree to allow reasonable development of the property.

21) What is considered a detached accessory building? Can I build a detached accessory building on my property? Where can it be located? How large can it be? How tall can it be?

Buildings which are subordinate to, and the use of which is incidental to that of the main building or use on the same lot, are considered accessory buildings. Detached accessory buildings, including garages, carports, garden structures, greenhouses, storage buildings, etc., are permitted in all single-family residential districts, subject to the following provisions:

- There is a single-family dwelling on site.
- The accessory structure is not in front of the principal dwelling on site.
- The accessory structure is no more than fifteen (15) feet in height.
- There is a minimum of five (5) feet between the accessory structure and the main unit on site.
- The additional floor area of the accessory structure does not exceed the total floor area permitted for the site (when all structures that contribute to floor area are considered).
- Non-habitable accessory structures, (i.e., garages and sheds with no heat or bathing facilities) occupy no more than 40 percent required yard areas, and are no less than five feet from the rear lot line.
- Habitable accessory structures, including second dwelling units, conform to the required setbacks of the principal building on site (information on second units can be found in the next question below).

22) What is considered a second unit? Can I have a second unit on my property? What are the standards for second units? What is the process for approval?

A secondary dwelling unit is a separate dwelling unit which provides complete, independent living facilities for one or more persons, located on a lot containing a single-family dwelling as the principal building. It includes permanent provisions for living, sleeping, cooking, eating, and sanitation.

Second units are permitted within all single family residential zones and within multi-family residential zones, subject to the following provisions:

- The minimum lot size is 5,000 square feet.
- There is a single-family dwelling on site.
- The total gross floor area allowed for the site is not exceeded (including all structures)
- The second unit conforms to all of the development standards of its district (i.e., height, setbacks, etc., for a habitable unit).
- The second unit includes a minimum of 275 square feet.
- Parking for the site includes a two-car garage plus two uncovered parking spaces.
- The second unit is no more than 30% of the floor area of the principal dwelling, or 1,200 square feet, whichever is less.
- The second unit includes no more than two bedrooms.
- At least one of the units is owner occupied.
- The second unit is not contained in a vehicle or trailer, with or without wheels.
- The second unit does not require a second curb cut for parking.
- If the second unit is detached it is no greater than fifteen feet in height, and uses materials and architectural treatments that are similar to the principal unit on site.

The process for the approval of a second unit varies depending on the size of the property, the size and location of the second unit, the location of the exterior access to the unit, and whether other entitlements (i.e., Variance or Design Review) are requested. Please contact the Permit Center for details.

23) How is building height measured?

Maximum building height is measured as the vertical distance from finished grade at each point around the perimeter of the building to the uppermost portion of the roof. Building height is typically shown for each respective cross-slope section of the building.